

REMARKS

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1 -22

Claims 1-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,421,709 issued to McCormick et al. (*McCormick*) in view of U.S. Patent Publication No. 2005/0132006 issued to Horvitz et al. (*Horvitz*). Applicant submits claims 1-22 are not obvious in view of *McCormick* and *Horvitz* for at least the reasons set forth below.

Claim 1 recites, in part, the following:

enabling configuration of a plurality of automatic response email messages, each of the plurality of automatic response email messages tailored for a type of the incoming email messages;

Independent claims 8 and 15 recite similar limitations. The Examiner correctly concedes *McCormick* does not disclose enabling configuration of a plurality of automatic response email messages, each of which is tailored for a type of incoming email message.

Unfortunately, in a seemingly hurried attempt to slam the door shut on this case, the Examiner cites *Horvitz* while issuing a Final Office action. Applicant is well aware that that the Examiner has a statutory right to make an action Final with the 2nd action on the merits. However, *Horvitz* completely fails to cure the deficiencies of *McCormick*, rendering the obviousness rejection groundless and the Final Office action unwarranted.

The Background section of Applicant's application (paragraphs [0002]-[0003]) discusses prior art automated email response messages. The state of the prior art was to set up a single automated response message that would be automatically sent in reply to

all incoming email messages. There was not distinction made between incoming emails. The cited portions of *Horvitz* merely describe this prior art technique for automatically responding to incoming email messages. In other words, *Horvitz* merely discusses known prior art described as prior art in Applicant's Background section. In the Detailed Description, Applicant has specifically and explicitly described subject matter that advances the state of the art and has written claims that are distinctly novel and non-obvious over this known prior art. Thus, *Horvitz* does not advance the position of the Office towards adequately rendering claim 1 as being obvious. Applicant encourages the Examiner to re-read paragraphs [0010]-[0013] of the present application to better appreciate the novel and non-obvious nature of the present invention over the prior art automated email response technique.

To be clear, it is neither explicitly nor inherently disclosed in *Horvitz* to configure a *plurality* of automatic response email messages, each of the plurality of automatic response email messages tailored for a type of the incoming email messages. Thus, neither *McCormick* nor *Horvitz* disclose at least this limitation of claim 1. Therefore, given the deficiencies of *McCormick* and *Horvitz*, Applicant submits claims 1, 8 and 15 are not obvious.

Applicant submits that the dependent claims are non-obvious for at least the same reasons claims 1, 8 and 15 are not obvious. Applicant further submits the dependent claims include additional features that are, in and of themselves, distinguishable over the prior art of record. For example, claim 6 recites a method according to claim 4 wherein the internal mail type comprises at least one of a plurality of defined internal organizations. In other words, a different automated response email is sent based on the

internal organization from which an email is received. The cited portion of *McCormick* fails to distinguish an incoming email based on whether it is an internal email or an external email. As such, *McCormick* necessarily fails to disclose distinguishing an internal organization type from within an internal email. This is simply one example illustrating the deficiencies of *McCormick* and *Horvitz* with respect to the dependent claims.

CONCLUSION

For at least the foregoing reasons, Applicant submits that the rejections have been overcome. Therefore, claims 1-22 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Date: August 12, 2008

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I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below.

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